

LIQUOR – CHAPTER 11

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CHAPTER 11 – LIQUOR ORDINANCE

Section 11-101. ADOPTION OF STATE LAW BY REFERENCE. The provisions of Minnesota Statutes, Chapter 340A, as it may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to Minnesota Statutes, Chapter 340A, are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

Section 11-102. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW. The City Council is authorized by the provisions of Minnesota Statutes, Section 340A.509, as it may be amended from time to time, to impose, and has imposed in this Chapter, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minnesota Statutes, Chapter 340A, as it may be amended from time to time.

Section 11-103. DEFINITIONS. In addition to the definitions contained in Minnesota Statutes, Section 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this Chapter:

1. *Brew Pub*, as used in this Chapter, means a Brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed Premises, the entire production of which is solely for consumption on tap on any licensed Premises owned by the Brewer, or for off-sale from those licensed premises as permitted in Minnesota Statutes, Section 340A.24, Subdivision 2.
2. *Brewer*, as used in this Chapter, means a person who manufactures malt liquor for sale.
3. *Club*, as used in this Chapter, means an incorporated organization organized under the laws of Minnesota for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which: (1) has more than 30 members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the Club, or their guests, beyond a reasonable salary or wages fixed and voted on each year by the governing body.

4. *Hotel*, as used in this Chapter, means and includes any establishment having a resident proprietor or manager where, in consideration of payment therefor, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 100 guest rooms with bedding and other usual, suitable, and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk, and office for the registration of its guests on the ground floor, which employs an adequate staff to provide suitable and usual service, and which has a dining room with appropriate facilities for seating not less than 30 guests at one time where guests are provided with food and beverages.
5. *Liquor*, as used in this Chapter, without modification by the words “intoxicating” or “3.2 percent malt,” includes intoxicating liquor, 3.2 percent malt liquor, and malt liquor.
6. *Premises*, as used in this Chapter, shall mean the inside of the building or the leased space inside a building as shown on the plan submitted to the City Manager’s designee with the original license. Outside areas, such as patios or parking lots, shall not be included in the definition of “Premises” unless specifically listed on the license or special permission is obtained in writing from the City for a limited period of time under certain conditions.
7. *Restaurant*, as used in this Chapter, means an eating facility, other than a Hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the Premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus where the main food course is served and consumed while seated at a single location and that has at least 30% of its applicable revenue derived from the serving of food for consumption on the Premises. It shall have a license from the State as required by Minnesota Statutes, Section 157.16, as it may be amended from time to time, which has been delegated to and is issued by Hennepin County, and shall meet the definition of either a “small establishment,” “medium establishment,” or “large establishment” as defined in Minnesota Statutes, Section 157.16, Subdivision 3(d), as it may be amended from time to time. An establishment that serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a “Restaurant” for purposes of this Chapter unless it meets the definitions of “small establishment,” “medium establishment,” or “large establishment.”

Section 11-104. MUNICIPAL LIQUOR STORE.

Subdivision 1. Municipal Liquor Store. A municipal liquor store that was previously established is hereby continued to be operated within the city for the off-sale of intoxicating liquor. Except as provided in Section 11-107, no intoxicating liquor shall be sold or caused to be sold at off-sale within the city by any person or entity other than that at the municipal liquor store.

Subdivision 2. Location. The municipal liquor store shall be located at such suitable places in the city as the City Council determines. However, no Premises upon which taxes, assessments, or other financial claims of the City, County, or State are due, delinquent, or unpaid shall be leased for municipal liquor store purposes.

Subdivision 3. Fund Created. A municipal liquor store fund is hereby created into which all revenues received from the operation of the municipal liquor store shall be paid, and from which all operating expenses shall be paid, provided that the initial costs of rent, fixtures, and stock may be paid for out of the general fund of the City, but such amounts shall be reimbursed to the said general fund out of the first monies coming into the municipal liquor store fund that are not needed for carrying on the business. Any surplus accumulating in the municipal liquor store fund may be transferred to the City's general fund by resolution of the City Council and may be expended for any City purpose.

Subdivision 4. Hours of Operation. The hours of operation and days of sale shall be those set by Minnesota Statutes, Section 340A.504, as it may be amended from time to time.

Section 11-105. CONSUMPTION IN PUBLIC PLACES. No person shall consume Liquor in a public park; on any public street, sidewalk, parking lot, or alley; in any public place other than on the Premises of an establishment licensed under this Chapter; or where the consumption and display of Liquor is permitted by State Statute.

Section 11-106. LICENSE REQUIRED. No person or entity, except wholesalers or manufacturers to the extent authorized by State Statute and the municipal liquor stores, shall directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of Liquor as part of a commercial transaction without first having received a license to do so as provided in this Chapter.

Section 11-107. TYPES OF LIQUOR LICENSES AND PERMITS. The following are the types of Liquor licenses and permits that may be issued by the City pursuant to this Chapter:

1. On-Sale 3.2 Percent Malt Liquor License. The City may issue On-Sale 3.2 Percent Malt Liquor Licenses, which shall permit the consumption of 3.2 percent malt liquor on the licensed Premises only. This license is subject to Minnesota Statutes, Section 340A.403, and shall be issued only to a Restaurant, Club, or Hotel where food is prepared and served for consumption on the Premises or to the City of Brooklyn Center for City facilities and events.
2. Off-Sale 3.2 Percent Malt Liquor License. The City may issue Off-Sale 3.2 Percent Malt Liquor Licenses. This license is subject to Minnesota Statutes, Section 340A.403, and allows the sale of 3.2 percent malt liquor in its original package for consumption off the licensed Premises only.

3. Temporary On-Sale 3.2 Percent Malt Liquor License. The City may issue Temporary On-Sale 3.2 Percent Malt Liquor Licenses, but only to a club or charitable, religious, or nonprofit organization. This license is subject to Minnesota Statutes, Section 340A.403, and any special terms and conditions the City Council may prescribe.
4. On-Sale Intoxicating Liquor License. The City may issue On-Sale Intoxicating Liquor Licenses, which are subject to Minnesota Statutes, Section 340A.404, to the following establishments:
 - a. A Restaurant with a dining room that is open to the general public, with seating for not less than 30 guests at one time.
 - b. A Hotel with a dining room that is an integral part thereof, is under the same management and control as the Hotel, with appropriate facilities for seating not less than 30 guests at one time, and where the general public is, in consideration of payment therefor, served with meals at tables.
 - c. A Club that has been in existence for at least three years that sells Liquor only to members and bona fide guests. This license may be issued only with the approval of the Commissioner of Public Safety.
 - d. A business establishment that is not otherwise eligible for an on-sale intoxicating liquor license and that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. This license is subject to Minnesota Statutes, Section 340A.4041.
 - e. In accordance with Minnesota Laws 1990, Chapter 554, Section 20, the City may issue one on-sale intoxicating liquor license for the Earle Brown Heritage Center that authorizes the sale and serving of liquor to persons attending events at the center. This license is in addition to the number of on-sale intoxicating liquor licenses the City is authorized to issue.
 - f. Special Provision; Special Event Permit. The holder of an On-Sale Intoxicating Liquor License may be granted a Special Event Permit by either the City Council or by the City Manager's designee for a temporary expansion of the licensed Premises for wedding receptions, parties, promotional activities, or other special events. A Special Event Permit may be issued by the City only for specified areas of the same lot, piece or parcel of land on which the Premises lies, or a contiguous lot, piece or parcel of land. Application shall be made to the City Manager's designee on a form provided by the City and all information requested by the City Manager's designee shall be submitted therewith.

A Special Event Permit may be granted for a period of no more than 10 days, and permits may not be granted for a total of more than 40 days in any one license year. In acting on an application, consideration shall be given by the City to such factors as noise, nature of entertainment to be provided, potential difficulties with law enforcement or security, proximity of residential or other sensitive land uses, effect on parking or other zoning or land use controls, and the nature of the event proposed. The Special Event Permit may specify conditions with which the licensee must comply, and the sale of Liquor pursuant to the permit shall be deemed a consent and agreement to the imposition of such conditions. Violations of any such conditions or any other provisions of law are grounds for suspension or revocation of the Special Event Permit and of the licensee's Liquor license.

5. Sunday Sales Liquor License. This license may only be issued to establishments that hold an:
- a. On-Sale Intoxicating Liquor License and that serves Liquor only in conjunction with the service of food;
 - b. On-Sale Brewer Taproom License;
 - c. On-Sale Brew Pub License and that serves Liquor only in conjunction with the service of food;
 - d. Off-Sale Brew Pub License;
 - e. Off-Sale Small Brewer License;
 - f. Off-Sale Microdistillery License, but only if the City's municipal liquor stores are open on Sunday, and then only during the same hours; or
 - g. On-Sale Microdistillery Cocktail Room License.

An establishment that obtains a Sunday Sales License for Sunday sales under one license is not required to obtain a Sunday Sales License for any other license the establishment holds that allows sales on Sundays for the same Premises.

6. Temporary On-Sale Intoxicating Liquor License. This license may be issued only upon receiving the approval from the Commissioner of Public Safety. The license may be issued only in connection with a social event within the city that is sponsored by a club or charitable, religious, or other nonprofit organization that has existed for at least three years or to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year. The license may authorize the sale of intoxicating liquor to be consumed on the Premises for not more than three consecutive days, and the City shall issue no more than twelve days' worth of

temporary licenses to any one organization or for any one location within a 12-month period. The temporary license may authorize the sale of intoxicating liquor to be consumed on Premises other than Premises the licensee owns or permanently occupies. The temporary license may provide that the licensee may contract for intoxicating liquor catering services with the holder of an On-Sale Intoxicating Liquor License issued by any municipality.

7. On-Sale Wine License. This license may be issued only with the approval of the Commissioner of Public Safety. This license may be issued only to a Restaurant that has a dining area that is open to the general public and has seating for not less than 25 guests at one time. The Restaurant's business must be conducted in such a manner that a significant part of the revenue for a license year is the sale of food. Only the sale of wine not exceeding 14 percent alcohol by volume for consumption on the licensed Premises in conjunction with the sale of food shall be permitted. A Restaurant with an On-Sale Wine License is not required to obtain a Sunday Sales License for on-sale of wine on Sundays.
8. Consumption and Display Permit. This permit may be issued to an applicant for an establishment that complies with the requirements of Minnesota Statutes, Section 340A.414, and has obtained a permit from the Commissioner of Public Safety.
9. On-Sale Brew Pub License. This license may be issued to a Brew Pub that operates a Restaurant in the place of manufacture of malt liquor. This license is subject to Minnesota Statutes, Section 340A.24, and allows the City to issue an On-Sale Intoxicating Liquor License or a 3.2 Percent Malt Liquor License for the Brew Pub. Sales on Sundays may only occur if a Sunday Sales License is obtained from the City.
10. Off-Sale Brew Pub License. This license may be issued to a Brew Pub that holds an On-Sale Brew Pub License with the approval of the Commissioner of Public Safety. This license is subject to Minnesota Statutes, Section 340A.24, and allows off-sale of malt liquor produced and packaged on the licensed Premises during the legal hours for off-sale at the City's liquor stores and the malt liquor sold off-sale must be removed from the Premises before closing time of such liquor stores. Growlers only may be sold off-sale on Sundays if a Sunday Sales License is obtained from the City. Packaging of malt liquor for off-sale must comply with Minnesota Statutes, Section 340A.285.
11. On-Sale Brewer Taproom License. This license may be issued to the holder of a Brewer's license under Minnesota Statutes, Section 340A.301, Subdivision 6(c), (i), or (j). This license is subject to Minnesota Statutes, Section 340A.26, and authorizes on-sale of malt liquor produced by the Brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A Brewer may only have one Brewer Taproom License and may not have an ownership interest in a Brew Pub. A Brewer Taproom License may not be issued to a

Brewer if the Brewer seeking the license, or any person having an economic interest in the Brewer seeking the license or exercising control over the Brewer seeking the license, is a Brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Sales on Sundays may only occur if a Sunday Sales License is obtained from the City.

12. Off-Sale Microdistillery License. This license may be issued to a microdistillery for the off-sale of distilled spirits. This license is subject to Minnesota Statutes, Section 340A.22, and allows the sale of one 375 milliliter bottle per customer per day of product manufactured on-site. Off-sale of distilled spirits is limited to the hours of off-sale liquor as set forth in this Chapter. No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers. At least 50 percent of the annual production of the distiller must be processed and distilled on premises. Sales on Sundays may only occur if a Sunday Sales License is obtained from the City.
13. On-Sale Microdistillery Cocktail Room License. This license may be issued to the holder of an Off-Sale Microdistillery license. This license is subject to Minnesota Statutes, Section 340A.22 and allows on-sale of distilled liquor produced by the distiller for consumption on the Premises of or adjacent to one distillery location owned by the distiller. At least 50 percent of the annual production of the distiller must be processed and distilled on premises. Sales on Sundays may only occur if a Sunday Sales License is obtained from the City.
14. Off-Sale Small Brewer License. This license may be issued to a Brewer licensed under Minnesota Statutes, Section 340A.301, Subdivision 6(c), (i), or (j). This license is subject to Minnesota Statutes, Section 340A.28, and allows the off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer. The license must be approved by the Commissioner of Public Safety. The City may not issue an Off-Sale Brewer License to a Brewer if the Brewer seeking the license, or any person having an economic interest in the Brewer seeking the license or exercising control over the Brewer seeking the license, is a Brewer that brews more than 20,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Packaging of malt liquor for off-sale must comply with Minnesota Statutes, Section 340A.285. Sales on Sundays may only occur if a Sunday Sales License is obtained from the City.

Section 11-108. NUMBER OF LICENSES THAT MAY BE ISSUED. The number of On-Sale Intoxicating Liquor Licenses issued by the City shall be limited to 18. The license for the Earle Brown Heritage Center shall not be included in this limit. The number of On-Sale Wine Licenses shall be unlimited.

Section 11-109. TERM AND EXPIRATION OF LICENSES AND PERMITS. Each Liquor license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on December 31 of each year. Temporary licenses and permits are only valid for the dates, times, and locations specifically stated on the license or permit. Consumption and Display Permits issued by the Commissioner of Public Safety, and the accompanying City consent to the permit, shall expire on March 31 of each year.

Section 11-110. LICENSE AND PERMIT FEES; PRO RATA.

Subdivision 1. License Fees. The fees for all Liquor licenses and permits shall be set by City Council resolution. The amount of the fees shall not exceed any limit established by Minnesota Statutes, Chapter 340A. The City Council shall not increase a fee unless notice of the proposed increase is mailed to all affected licensees at least 30 days before a public hearing held on the proposed increase as provided in Minnesota Statutes, Section 340A.408, Subdivision 3(a).

Subdivision 2. Investigation Fee. A non-refundable investigation fee set by City Council resolution must be paid by the applicant in full before an application for a new license is accepted, excluding temporary Liquor licenses. The license fee and investigation fee shall be paid with cash or certified or cashier's check. At any time that an additional investigation is required because of license renewal, a change in the ownership or control of the licensee, or because of an enlargement, alteration, or extension of Premises previously licensed, the licensee shall pay an additional investigation fee set by City Council resolution.

Subdivision 3. Renewal License Fees. Renewal license applications shall be filed by November 1 of the preceding license year, and renewal fees shall be paid in full at the time of application for renewal. At the earliest practicable time after application is made for renewal of an On-Sale Intoxicating Liquor License or On-Sale Wine License, and in any event prior to the time that the application is considered by the City Council, the applicant shall file with the City Manager's designee a statement prepared by a Certified Public Accountant that shows the total gross sales and the total food sales of the restaurant for the twelve month period immediately preceding the date for filing renewal applications. A foreign corporation shall file a current Certificate of Authority. If, in the judgment of the City Council, good and sufficient reason is shown by the applicant for failure to file for a renewal within the time provided, the City Council may, if the other provisions of this Chapter are complied with, grant the application. A late renewal charge set by City Council resolution shall be applied to renewal license applications that are submitted after November 1. All license and investigation fees shall be paid into the general fund of the City.

Subdivision 4. Pro Rata Fees. The fee for all Liquor licenses, except temporary Liquor licenses, that are granted after the commencement of the license year shall be prorated for the remainder of the year. In computing such pro rata license fee, the fee shall be prorated on a monthly basis, except that the fee shall be and prorated on a daily basis for an On-Sale Intoxicating Liquor License. When the Liquor license is for a property on

which the building is not ready for occupancy, the commencement date for computation of the license fee for the initial license period shall be the date on which a certificate of occupancy is issued.

Subdivision 5. Refund of License Fees. Temporary Liquor license fees are non-refundable. No part of the fee paid for any other type Liquor license issued under this Chapter shall be refunded by the City except in the following instances upon application to the City Council within 30 days from the happening of the event. The City Council may, in its judgment, refund a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

- a. destruction or damage of the licensed Premises by fire or other peril;
- b. the licensee's illness;
- c. the licensee's death; or
- d. a change in the City's ordinances making it unlawful for the licensed business to continue.

Section 11-111. APPLICATIONS FOR LICENSE.

Subdivision 1. Requirements for Liquor Licenses; Excludes Temporary On-Sale. Every application for a Liquor license shall be made on a form supplied by the City and shall be filed with the City Manager's designee. No person shall make a false statement in an application. In addition to the information that may be required by the Commissioner of Public Safety, the application shall contain the following information:

- a. Whether the applicant is a natural person, corporation, partnership, or other form of entity;
- b. Type of Liquor license that the applicant seeks;
- c. A personal information form, as provided by the City, filled out by the sole owner; each partner; each manager, proprietor, or other person with management responsibilities for the Premises; each person who, singly or together with the person's spouse, or a parent, brother, sister, or child of either of them, own or control an interest in said corporation or association in excess of five percent (5%); and, if a club, each officer, each member of the executive committee, and each member of the board of directors containing the following information on each individual:
 1. Full legal name, place and date of birth, and street residence address of the individual;
 2. Whether the individual has ever used or been known by a name other than such legal name and, if so, what was such name, or names, and information concerning dates and places where used;

3. Whether the individual is married or single. If the individual is married, he or she must provide the legal name, place and date of birth, and street residence address of his or her current spouse;
4. Whether the individual and his or her current spouse are registered voters and, if so, the city and state in which each of them is registered;
5. Street addresses at which the individual and his or her current spouse have lived during the preceding ten years;
6. Type, name, and location of every business or occupation that the individual and his or her current spouse have been engaged in during the preceding ten years;
7. Names and addresses of the individual's and his or her current spouse's employers and business partners, if any, for the preceding ten years;
8. Whether the individual or his or her current spouse, or a parent, brother, sister, or child of either of them, has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor, other than a traffic offense. If so, the individual shall furnish information as to the date, place, and type of offense;
9. Whether the individual or his or her current spouse, or a parent, brother, sister, or child of either of them has ever been engaged as an employee or in the operation of a saloon, Hotel, Restaurant, cafe, tavern, bar, or other business of a similar nature. If so, the individual shall furnish information as to the date, place, and length of time of the employment or operation;
10. Whether the individual has ever been in military service. If so, the individual shall, upon request by the City, exhibit all discharges;
11. The name, address, and business address of each person who is engaged in Minnesota in the business of selling, manufacturing, or distributing intoxicating liquor and who is nearer of kin to the individual or his or her current spouse than second cousin, whether of the whole or half blood, computed by the rules of civil law, or who is a brother-in-law or sister-in-law of the individual or his or her current spouse;
12. The amount of the investment that the individual has in the business, building, Premises, fixtures, furniture, stock in trade, et cetera, and proof of the source of such money; and

13. The names, residences, and business addresses of three persons who are residents of the State of Minnesota who are of good moral character and not related to the individual or financially interested in the Premises or business, who may be referred to with respect to the individual's character.
- d. A legal description of the property to be licensed together with a site plan of the property showing dimensions and location of buildings;
- e. If a permit from the federal government is required by the laws of the United States, indicate whether or not such permit has been issued, and if so required, in what name it was issued and the nature of the permit;
- f. The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, Premises, fixtures, furniture, stock in trade, if applicable; the nature of such interest, amount thereof, and terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, lessors, mortgagees, mortgagors, lenders, lien holders, trustees, trustors, and persons who have cosigned notes or otherwise loaned, pledged, or extended security for any indebtedness of the applicant, but shall not include persons owning or controlling less than five percent (5%) interest in the business if a corporation;
- g. A statement as to whether or not all real estate and personal property taxes for the Premises to be licensed that are due and payable have been paid, and if not paid, the years and amounts which are unpaid; and
- h. Such other information as the City Manager's designee shall require.

Subdivision 2. On-Sale Club Liquor License. In addition to the requirements listed in Subdivision 1, the application for an On-Sale Club Liquor License shall contain the following information:

- a. The name of the club;
- b. The date that the club was first incorporated. The applicant shall provide copies of the club's articles of incorporation, bylaws, and the names and street addresses of all officers, members of the executive committee, managers, and board of directors;
- c. A sworn statement that the club has been in existence for more than three years. The statement shall be made by a person who has personal knowledge of the facts stated therein. In the event that no person can make such a statement, satisfactory documentary proof may be submitted in support of such facts;

- d. A statement of the number of club members that is certified by the club treasurer; and
- e. If a passcard, password, passkey, or other indicia of membership is a condition of entrance to the club, the applicant shall provide the City Manager's designee with such indicia of membership to be used only for the purposes set forth in this Chapter.

Subdivision 3. On-Sale Intoxicating Liquor and On-Sale Wine Licenses. In addition to the requirements listed in Subdivision 1, the application shall contain the following information:

- a. The name of the business if it is to be conducted under a designation, name, or style other than the full individual name of the applicant; in such case a copy of the certification, as required by Minnesota Statutes, Chapter 333, certified by the Clerk of District Court, shall be attached to the application;
- b. If the applicant is a partnership, the managing partner and all other partners shall be named. The interest of each partner in the business shall be disclosed. A copy of the partnership agreement shall be submitted with the application and if the partnership is required to file a certificate as to a trade name under the provisions of Minnesota Statutes, Chapter 333, a copy of such certificate certified by the Clerk of District Court shall be attached to the application;
- c. If the applicant is a corporation or other organization, the name, and if incorporated, the state of incorporation; copies of the certificate of incorporation, articles of incorporation or association agreement, and bylaws; if a foreign corporation, a certificate of authority as described in Minnesota Statutes, Chapter 303, and a list of all officers or directors of said corporation or organization;
- d. A floor plan of the dining room, or dining rooms, that will be open to the public. The floor plan shall show all room dimensions and shall indicate the number of persons intended to be served in each of the rooms; and
- e. If the application is for Premises that is planned, under construction, or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed Premises to be licensed.

Subdivision 4. Temporary On-Sale Intoxicating Liquor License. Every application for a Temporary On-Sale Intoxicating Liquor License shall be in the form prescribed by the Commissioner of Public Safety. The form shall be verified and filed with the City Manager's designee.

Subdivision 5. Temporary On-Sale 3.2 Percent Malt Liquor License. Every application for a Temporary On-Sale 3.2 Percent Malt Liquor License shall be made on a form supplied by the City. Every application shall state the name of the organization; name, address, and telephone number of the applicant; date, time, and location of event; and other information as the City Council may require from time to time. No person shall make a false statement in an application. Applications must be filed with the City Manager's designee a minimum of thirty calendar days in advance of the proposed event.

Subdivision 6. Consumption and Display Permit and One-Day Temporary Consumption and Display Permit. Every application for a Consumption and Display Permit or a One-Day Temporary Consumption and Display Permit shall be made in the form prescribed by the Commissioner of Public Safety. The form shall be verified and filed with the City Manager's designee.

Section 11-112. EXECUTION OF APPLICATION. If the application is by a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one of the partners, however, the application, license, and bond (or insurance policy) shall be made and issued in the name of all partners; if by an unincorporated association or other type of organization, by the manager or managing officer thereof.

Section 11-113. TRANSFER OF LIQUOR LICENSE. No transfer of Liquor license shall be permitted from place to place or person to person without complying with the requirements of an original application, except where a new application is filed as a result of incorporation by an existing licensee and the ownership, control, and interest in the license are unchanged.

Section 11-114. INVESTIGATION OF APPLICATIONS. All applications for a Liquor license, excluding temporary Liquor licenses, shall be referred by the City Manager's designee to such other City departments as the City Manager's designee shall deem necessary for verification and investigation of the facts set forth in the application. The City Manager's designee is empowered to conduct background and financial investigations to verify the information in the application, including, but not limited to, ordering a computerized criminal history inquiry obtained through the Criminal Justice Information System and/or a driver's license history inquiry as recorded by the State Department of Public Safety on the applicant. The City Manager's designee shall cause to be made such investigation of the information requested in this Chapter as shall be necessary and shall make a written recommendation and report to the City Council. The City Council may authorize such additional investigation as it shall deem necessary.

Section 11-115. APPROVAL OF LICENSES AND PERMITS BY CITY COUNCIL. All Liquor licenses and permits set forth in this Chapter shall be subject to review and approval by the City Council.

Section 11-116. PERSONS INELIGIBLE FOR LIQUOR LICENSE. In addition to the requirements contained in Minnesota Statutes, Section 340A.402, as it may be amended from time to time, no license shall be granted to or held by any of the following persons (which shall also include the characteristics of any owners, officers, managers, employees, or others who require investigation under this Chapter):

1. Who is not the proprietor of the establishment for which the license is issued;
2. Who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information;
3. Who is or during the period of the Liquor license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him or her a local license to sell intoxicating liquor at such place;
4. Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this Chapter;
5. Who is the spouse of a person ineligible for a license pursuant to the provisions of this Chapter or who, in the judgment of the City Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license; and
6. An on-sale Liquor license will not be renewed if, in the case of an individual, the licensee is not a resident of the Twin Cities Metropolitan Area at the time of the date for renewal; if, in the case of a partnership, the managing partner is not a resident of the Twin Cities Metropolitan Area at the time of the date for renewal; or in the case of a corporation, if the manager is not a resident of the Twin Cities Metropolitan Area at the time of the date for renewal. The "TWIN CITIES METROPOLITAN AREA" is defined as being comprised of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Section 11-117. PLACES INELIGIBLE FOR LIQUOR LICENSE.

Subdivision 1. No Liquor license shall be granted for sale on any Premises if the licensee has been convicted of any willful violation of this Chapter or of Minnesota Statutes, Chapter 340A, or if any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

Subdivision 2. No on-sale Liquor license shall be granted for a bona fide club that has not been in operation and eligible to receive a license for at least six months immediately preceding the application for a license.

Subdivision 3. No Liquor license shall be granted, or renewed, for operation on: 1) any Premises, on which any taxes, assessments, or other financial claims of the City, County, or State are due, delinquent, or unpaid; or 2) any Premises that is part of a larger tax parcel on which ad valorem real estate taxes or assessments collected with such taxes are due, delinquent, or unpaid. In the event an action has been commenced pursuant to the provisions of Minnesota Statutes, Chapter 278, questioning the amount or validity of taxes, the City Council may, on application by the licensee, waive strict compliance with this provision. However; no waiver shall be granted by the City Council for taxes, or any portion thereof, that remain unpaid for a period exceeding one year after becoming due.

Subdivision 4. No Liquor license shall be granted for a Premises owned by a person to whom a Liquor license may not be granted under this Chapter, except for Premises owned by a minor, nonresident alien, or a person who has been convicted of a crime other than a violation of Minnesota Statutes, Chapter 340A.

Subdivision 5. No Liquor license shall be granted for a Premises that has a common entrance or exit between any two establishments except that a public concourse or public lobby shall not be construed as a common entrance or exit.

Subdivision 6. No Liquor license shall be granted if the Premises is located within 300 feet of, or within the same building, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses: a school, day care center, church, hospital, halfway house, currency exchange operation, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna, or another on-sale Liquor establishment.

Section 11-118. CONDITIONS OF LIQUOR LICENSE. Every Liquor license shall be granted subject to the following conditions and any other applicable ordinance of the City or State law:

1. The Liquor license shall be posted in a conspicuous place in the licensed establishment at all times;
2. Any police officer, building inspector, or any employee so designated by the City Manager, shall have the unqualified right to enter, inspect, and search the licensed Premises during business hours without a warrant. "Business hours" shall be deemed any time when licensee or employees are present on the Premises. Refusal to permit such an inspection is a violation of this Chapter and grounds for revocation of the license;
3. Every licensee shall be responsible for the conduct of the place of business and the conditions of sobriety and order in the place of business and on the Premises. The act of any employee on the licensed Premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Chapter and State law equally with the employee;

4. No on-sale Liquor establishment shall sell intoxicating liquor off-sale unless the establishment is authorized under this Chapter to sell off-sale and obtains the required license;
5. No Liquor license shall be effective beyond the Premises named in the license for which it was granted;
6. No on-sale Liquor establishment shall display Liquor to the public during hours when the sale is prohibited;
7. Continuing compliance with the financial responsibility requirements of State law and of this Chapter;
8. The business records of the licensee, including federal and State tax returns, shall be available for inspection by the City Manager, or other duly authorized representative of the City at all reasonable times. Business records for accounting functions required to demonstrate compliance with the provisions of this Chapter shall be prepared in accordance with standard accounting practices as determined by the City Manager's designee; and
9. Any changes in the corporation, entity or club's officers, directors, partners, corporate charter, articles of incorporation, bylaws, or partnership agreement shall be submitted to the City Manager's designee within 30 days after such changes are made. In the case of a corporation, the licensee shall immediately notify the City Manager's designee when a person not listed in the license application acquires an interest that, together with that of the person's spouse, parent, brother, sister, or child, exceeds five percent (5%), and shall give all information about said person as is required of a person pursuant to the provisions of this Chapter.

Section 11-119. HOURS OF OPERATION.

Subdivision 1. Hours of Operation. The hours of operation and days of sale shall be those set by Minnesota Statutes, Section 340A.504, as it may be amended from time to time.

Section 11-120. RESTRICTIONS ON PURCHASE AND CONSUMPTION. In every prosecution for a violation of the provisions of Minnesota Statutes, Section 340A.503, relating to the sale or furnishing of intoxicating liquor to persons under the age of 21 years, and in every proceeding before the City Council with respect thereto, the fact that the person involved has obtained and presented to the licensee, his or her employee or agent, a verified identification from which it appears that said person was 21 years of age and was regularly issued such identification card, shall be prima facie evidence that the licensee, his or her agent or employee is not guilty of a violation of such a provision and shall be conclusive evidence that a violation, if one has occurred, was not willful or intentional.

Section 11-121. LIABILITY INSURANCE AND PROOF OF FINANCIAL RESPONSIBILITY.

Subdivision 1. Insurance Required. All applicants for any Liquor license or a Consumption and Display Permit must, as a condition to the issuance of the license or permit, provide proof of Liquor liability insurance to the City Manager's designee, which shall be subject to the approval of the City Council. The required insurance shall satisfy the requirements of Minnesota Statutes, Section 340A.409, and of this Chapter. The issuer or surety on any liability insurance policy or bond shall be licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form, and execution by the City Attorney. The licensee shall have the City named as an additional insured on the liability insurance policy. The policy shall be effective for the entire license year.

The issuer or surety on any liability insurance policy or bond shall be licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form, and execution by the City Attorney. The licensee and the City shall be named as joint insureds on the liability insurance policy. The policy shall be effective for the entire license year.

Subdivision 2. Proof of Financial Responsibility. All applicants for any Liquor license or a Consumption and Display Permit must, as a condition to the issuance of the license or permit, demonstrate proof of financial responsibility. Proof of financial responsibility may be provided by supplying to the City Manager's designee any of the following information:

- a. An insurance certificate stating that there is in effect for the license or permit period an annual aggregate insurance policy of not less than \$300,000 per policy year for the Premises for dram shop insurance; or
- b. A bond of a surety company with minimum coverage as provided in clause (a); or
- c. A certificate from the Commissioner of Finance that states that the licensee or permittee has deposited with the Commissioner of Finance \$300,000 in cash or securities that may legally be purchased by savings banks or for trust funds having a market value of \$300,000.

Subdivision 3. Notice of Cancellation. Any liability insurance required by this Section must provide that it may not be canceled for any cause by either the insured or the insurer unless the canceling party has first given ten days' notice in writing to the City of the intent to cancel the policy.

Subdivision 4. Temporary On-Sale Licenses. Temporary On-Sale Liquor License holders are subject to the provisions of Subdivisions 1 through 3 of this Section, with the exception that the minimum dram shop insurance policy limit shall be no less than \$500,000 for events held on City-owned property, such as parks.

Section 11-122. CITY COUNCIL DISCRETION TO GRANT OR DENY A LICENSE OR PERMIT. The City Council in its discretion may either grant or deny the application for any license or permit or for the renewal of any license. No applicant has a right to a license or permit under this Chapter. Each license or permit shall be issued to the applicant only and shall not be transferable to another holder. Each license or permit shall be issued only for the Premises described in the application. If an applicant for a Special Event Permit has to postpone the event because of weather, the City Manager's designee has the authority to change the effective dates of the permit, as long as the total amount of hours approved by the City Council does not change. Licensed Premises that are granted both On-Sale Wine and On-Sale 3.2 Percent Malt Liquor Licenses by the City Council are authorized to sell beer with an alcohol content in excess of 3.2 percent.

Section 11-123. GAMBLING REGULATIONS.

Subdivision 1. Lawful Gambling Permitted. No gambling or any gambling device shall be permitted on any licensed Premises with the exception of lawful gambling on a licensed on-sale Liquor Premises by licensed charitable nonprofit organizations that have been in existence in Brooklyn Center for at least three years.

Subdivision 2. Lease Agreement Terms. The charitable organization's use of the licensed on-sale Liquor Premises shall be by means of a written lease agreement between the Liquor licensee and the charitable organization. The lease shall be for a term of at least one year; a copy of which shall be filed with the City Manager's designee, and an additional copy must be kept on the Premises and available for public inspection upon request. The lease shall contain the following terms:

- a. The amount of rent charged may not exceed the amount authorized by law;
- b. Rental payments shall not be based on a percentage of profits from gambling;
- c. The charitable organization shall not reimburse the Liquor licensee for any Liquor license fees or other gambling related expenses incurred by the Liquor licensee. The only compensation that the Liquor licensee may obtain from the charitable organization is the rent fixed in the lease agreement;
- d. Lawful gambling shall not be conducted by employees of the Liquor licensee or at the bar service area; and

- e. The lease shall contain a provision permitting the Liquor licensee to terminate the lease if the charitable organization is found guilty of any violation of State or local gambling statutes, ordinances, rules, or regulations.

Subdivision 3. Limit on Organizations. Only one charitable organization shall be permitted to conduct lawful gambling on the licensed on-sale Liquor Premises.

Subdivision 4. Minimum Hours. The Liquor licensee must commit to a minimum of twenty-five (25) hours of lawful gambling on the licensed Premises for the charitable organization per week.

Subdivision 5. Responsibility for Violations. The Liquor licensee shall be responsible for the charitable organization's conduct of lawful gambling. The City Council may order that the lawful gambling cease on the licensed Premises for a period up to sixty (60) days or disallow lawful gambling altogether on the licensed Premises for any violation of State or local gambling laws or regulations that occur on the Premises by anyone, including the Liquor licensee or the charitable organization. Any violation of this Section may also be considered by the City Council as grounds for suspension or revocation of the Liquor license.

Section 11-124. PROHIBITED ACTIVITIES.

Subdivision 1. Prohibition. It is unlawful for any licensee, permittee, owner, or manager of any establishment licensed under this Chapter to cause, commit, permit, or allow in the licensed Premises any of the prohibited activities listed in this Section or any similar activities or to sell Liquor in any Premises from which any such prohibited activities may be viewed or heard.

Subdivision 2. Prohibited Activities. Prohibited activities referred to in Subdivision 1 of this Section include the following:

- a. Nudity, sadomasochistic abuse, or sexual conduct as those terms are defined in Section 19-1700 of this Code, either actual or simulated;
- b. Mud wrestling, wet T-shirt contests, lingerie shows or displays, or strip-tease dancing; and
- c. The display of any of the foregoing by any means including, but not limited to, books, printed material, magazines, movies, pictures, videos, plays, exhibitions, recordings, closed circuit television, productions, or any other device or contrivance in any way that is capable of being used or adapted to arouse interest, or to affect the human senses, whether through the medium of reading, observation, sound, or any other means.

Subdivision 3. Penalty. Violation of this Section is grounds for revocation of any Liquor license or permit issued under this Chapter.

Section 11-125. REVOCATION AND SUSPENSION. The City Council may suspend or revoke any Liquor license or permit and may impose a civil penalty not to exceed \$2,000 pursuant to Minnesota Statutes, Section 340A.415, for the violation of any provision or condition of this Chapter or of any State law or rule or federal law regulating the sale of Liquor. The City Council shall revoke a Liquor license for any willful violation that, under the laws of the State, is grounds for mandatory revocation, including the licensee's failure to maintain the insurance required by Section 11-121 of this Chapter in full force and effect.

Revocation or suspension of a Liquor license or permit by the City Council shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee or permittee personally or by leaving the same at the licensed Premises with the person in charge thereof. No suspension after public hearing shall exceed 60 days.

Section 11-126. PENALTIES. Any person violating any provisions of this Chapter or Minnesota Statutes, Chapter 340A, as it may be amended from time to time, or any rules promulgated under Minnesota Statutes, Chapter 340A, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than 90 days, or both, together with the cost of prosecution.